

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARIO ANTONIO LEMUS,

Case No. 3:21-cv-00425-RCJ-CLB

Petitioner,

v.

ORDER

TIMOTHY GARRETT, *et al.*,

Respondents.

Petitioner Mario Antonio Lemus, a Nevada state prisoner, has filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1-1.) Currently before the Court is Petitioner's Application to Proceed *In Forma Pauperis* (ECF Nos. 1, 3).

A \$5.00 filing fee is required to initiate a habeas action in a federal district court. 28 U.S.C. § 1914(a); Judicial Conference Schedule of Fees. The court may authorize a person to begin an action without prepaying fees and costs if the person demonstrates indigency. 28 U.S.C. § 1915; LSR 1-1, 1-2. The IFP application must be submitted on the form provided by the court and include specific financial information and a declaration confirming under the penalty of perjury that the financial information is true. *Id.*

Although Petitioner submitted the required form, the supporting documents show he is able to pay the \$5 filing fee. Thus, he does not qualify for a fee waiver. The Court therefore denies the IFP application and gives Petitioner 45 days to pay the \$5 filing fee.

IT IS THEREFORE ORDERED:


1. Petitioner Mario Antonio Lemus's Application to Proceed *In Forma Pauperis* (ECF Nos. 1, 3) is DENIED.

2. Petitioner must pay the \$5.00 filing fee within 45 days of the date of this order.

4. The initial screening of Petitioner's petition under the Rules Governing Section 2254 Cases in the United States District Courts and consideration of the Motion for Appointment of Counsel (ECF No. 1-2) are deferred to until such time as he has fully complied with this order.

5. If Petitioner fails to comply with this order by the deadline, this case will be dismissed without prejudice and without further advance notice.

DATED this 14th day of January, 2022.


ROBERT C. JONES
UNITED STATES DISTRICT JUDGE